



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 17, 1996

Mr. Harold Willard
Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR96-0047

Dear Mr. Willard:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37019.

The City of Lubbock (the "city") received a request for "a copy of any and all written procedures or policies by the Lubbock Police Department regarding high speed pursuit of motor vehicles." You assert that the requested information is excepted from required public disclosure based on section 552.108 of the Government Code.

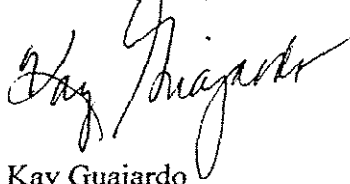
Section 552.108 permits a law enforcement agency to withhold from required public disclosure an internal record relating to law enforcement or prosecution. *See* Gov't Code § 552.108(b). This exception applies to a law enforcement agency's internal records if the release of those records would unduly interfere with law enforcement. *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). In Open Records Decision No. 531 (1989), this office permitted the City of San Antonio to withhold from required public disclosure pursuant to the statutory predecessor to section 552.108, detailed guidelines regarding its police department's use of force policy. This was so because the decision concluded that release of those guidelines would impair an officer's ability to arrest a suspect and would place individuals at an advantage in confrontations with police. *See* Open Records Decision No. 531 (1989).

You state that the release of the requested guidelines "would give a suspected criminal who is operating a motor vehicle an advantage in confrontations with police officers, and would increase his chances of evading arrest and endangering the public by providing him with knowledge of the limitations place on an officer's use of a motor vehicle." We agree that the release of portions of the requested information would

unduly interfere with law enforcement and crime prevention. We believe, however, that portions of the information are common knowledge, the release of which would not unduly interfere with law enforcement. Accordingly, we have marked the information that is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Kay Guajardo', is written over the typed name.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 37019

Enclosures: Marked documents

cc: Mr. Michael J. Shelton
Attorney at Law
2521 74th Street
Lubbock, Texas 79423
(w/o enclosures)